

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHELSEA SHUBAT and
ALLISON R. SHUBAT,

Plaintiffs,

v.

CAVE ENTERPRISES OPERATIONS, LLC
d/b/a BURGER KING OF ASHLAND,

Defendant.

ORDER

19-cv-588-wmc

The court is in receipt of plaintiffs' motion to appear by telephone at the default judgment hearing scheduled for September 25, 2019. (Dkt. #11.) While the court is receptive to plaintiffs appearing telephonically, in reviewing plaintiffs' submissions in support of default judgment, the court notes that other than their request for an award of attorneys' fees, plaintiffs have yet to submit any proof of actual damages. *See Domanus v. Lewicki*, 742 F.3d 290, 303 (7th Cir. 2014) ("[W]hile a default judgment conclusively establishes liability, the victor must still prove up damages. Any allegations in the complaint relating to liability are considered true, but allegations going to damages are not."). The court notes in particular that plaintiffs purport to seek \$250,000 in their complaint, but provide *no* support for that request, whether in the form of evidence of lost wages or an affidavit describing the emotional impact experienced by plaintiffs as a result of being sexually harassed or retaliated against after complaining of that harassment, or some other categories of damages. *See* 42 U.S.C. § 1981a (describing damages in cases of intentional discrimination in employment under Title VII).

As such, plaintiffs' motion to appear telephonically (dkt. #11) is GRANTED IN PART AND DENIED IN PART. Plaintiffs and their counsel may appear telephonically, but the court will convert the default judgment hearing to a telephonic conference to discuss possible methods for plaintiffs to submit proof in support of damages. During that call, the court will also reschedule the default judgment hearing. Plaintiffs should initiate the call to Chambers at (608) 264-5087.

Entered this 19th day of September, 2019.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge